

RESOLUTION NO. 74 -2014

Offered by all of Council

A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR AND FINANCE DIRECTOR TO EXECUTE THE "FIRST AMENDMENT TO AGREEMENT OF COOPERATION COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM" WITH THE COUNTY OF SUMMIT, AND DECLARING AN EMERGENCY

WHEREAS, pursuant to Resolution No. 31-1993, adopted by this Council on June 15, 1993, the Village entered into an "Agreement of Cooperation Community Development Block Grant Program" with the County of Summit in order to receive federal funding for various community development activities; and

WHEREAS, the County of Summit has notified the Village that the U.S. Department of Housing and Urban Development ("HUD") is requiring the implementation of specific re-qualification procedures to be completed for continued Community Development Block Grant ("CDBG") funding over the next three years and, therefore, is requiring the Village of Richfield and other communities that have elected to be included in the County of Summit CDBG and HOME programs to execute an amendment to the original 1993 agreement in order to add language as required by HUD; and

WHEREAS, the Village wishes to be included in the County of Summit CDBG and HOME programs going forward.

NOW THEREFORE, BE IT RESOLVED, by the Council of the Village of Richfield, County of Summit, State of Ohio, that:

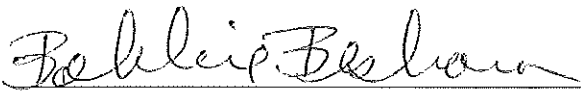
- SECTION 1. The Mayor and Finance Director are authorized and directed to execute the "First Amendment to Agreement of Cooperation Community Development Block Grant Program" with the County of Summit, substantially in accordance with the copy attached hereto as "Exhibit A," which is incorporated fully herein by reference.
- SECTION 2. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.
- SECTION 3. This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare, and for the further reason that it is immediately necessary in order for the aforesaid amendment to agreement to be executed and returned to the County of Summit by September 22, 2014 so as to enable the Village to participate in the CDBG

programs going forward; wherefore, provided this Resolution receives the affirmative vote of two-thirds of the members of Council elected or appointed, it shall take effect immediately upon its passage and execution by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED: 9-16-2014



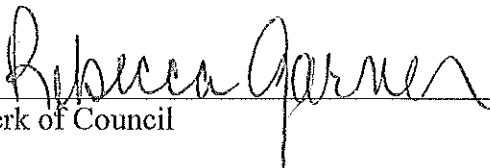
President of Council



Mayor

Dated: 9/16/14

ATTEST:



Clerk of Council

"EXHIBIT A"

FIRST AMENDMENT
TO
AGREEMENT OF COOPERATION
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

THIS FIRST AMENDMENT TO AGREEMENT OF COOPERATION COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM ("Amendment") is entered into by and between the County of Summit ("County"), an Ohio political subdivision, with its principal place of business at 175 South Main Street, 8th Floor, Akron, Ohio 44308 and Village of Richfield ("City/Village") with its principal place of business at _____ {address}.

WITNESSETH:

WHEREAS, the County and City/Village entered into an Agreement of Cooperation Community Development Block Grant Program ("Agreement") effective as of 9/16/11 {date of Agreement}.

WHEREAS, pursuant to Paragraph 11 of the Agreement, amendments to the Housing and Community Development Act of 1974 necessitating a change to the Agreement shall be incorporated by a formal amendment to the Agreement; and

WHEREAS, the Agreement shall be amended to comply with the requirements as set forth in the U.S. Department of Housing and Urban Development, Community Planning and Development Notice No. CPD-14-07.

NOW, THEREFORE, in consideration of the mutual covenants and conditions contained herein, the parties agree to amend the Agreement as follows:

1. Paragraph 1 of the Agreement shall be amended to add:

"and c) may not receive Emergency Solutions Grants (ESG) except through Summit County."

2. Paragraph 3 of the Agreement shall be amended to delete:

"Community Development Advisory Committee" and "County Wide Citizens' Advisory Committee"

and amended to replace and add:

"CDBG Review Committee"

3. Paragraph 13 of the Agreement shall be amended to add:

"The City/Village has authorized that the County may legally obligate the City/Village, as authorized by State and local laws, to undertake the necessary actions as determined by the County to carry out a community development program and the approved Consolidated Plan and/or meet other requirements of the CDBG (and, where applicable, HOME and ESG) program and other applicable laws."

4. Paragraph 14 of the Agreement shall be amended to add:

"In addition, this Agreement does not permit a veto or other restriction that would allow any party to this Agreement to obstruct the implementation of the approved Consolidated Plan during the period covered by the Agreement. The County (or the HOME consortium, if applicable) has final responsibility for selecting CDBG activities and submitting the Consolidated Plan to HUD."

5. Paragraph 16 shall be deleted in its entirety and replaced with the following:

"This Agreement obligates the County and City/Village to take all actions necessary to assure compliance with the County's certification under section 104(b) of Title I of the Housing and Community Development Act of 1974, as amended, regarding Title VI of the Civil Rights Act of 1964, the Fair Housing Act, and affirmatively furthering fair housing. This Agreement obligates the County and City/Village to comply with section 109 of Title I of the Housing and Community Development Act of 1974, which incorporates Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, the Americans with Disabilities Act of 1990, as amended and other applicable laws."

6. The following shall be added as a new paragraph:

"18. The City/Village may not sell, trade, or otherwise transfer all or any portion of such funds to another such metropolitan city, urban county, unit of general local government, or Indian tribe, or insular area that directly or indirectly receives CDBG funds in exchange for any other funds, credits or non-Federal considerations, but must use such funds for activities eligible under Title I of the Act. (Transportation, Housing and Urban Development and Related Agencies Appropriations Act, 2014.)"

7. Ratification. All other terms and conditions of the Agreement not modified or amended by the terms of this Amendment shall remain in full force and effect.

IN WITNESS WHEREOF, intending to be legally bound, the parties have executed this First Amendment to Agreement of Cooperation Community Development Block Grant Program effective as of the date signed by the Executive for the County of Summit.

CITY/VILLAGE

By: _____
Mayor Date

The Agreement, as amended by this First Amendment, is in accordance with the laws of the State of Ohio and the City/Village.

By: _____
Printed Name: _____
Law Director

COUNTY OF SUMMIT, OHIO

By: _____
Russell M. Pry, Executive Date

Legal Opinion from County of Summit's Counsel:

The terms and provisions of the Agreement, as amended by this First Amendment, are fully authorized under the laws of the State of Ohio and local law and that the Agreement provides full legal authority for the County.

By: _____
Deborah S. Matz, Director, Department
of Law, Insurance and Risk Management

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